

# EXHIBIT A

**UNITED STATES INTERNATIONAL TRADE COMMISSION  
Washington, D.C.**

**In the Matter of**

**CERTAIN LITHIUM ION BATTERIES,  
BATTERY CELLS, BATTERY  
MODULES, BATTERY PACKS,  
COMPONENTS THEREOF, AND  
PROCESSES THEREFOR**

**Inv. No. 337-TA-1159**

**NOTICE OF INSTITUTION OF INVESTIGATION**

Institution of Investigation Pursuant to 19 U.S.C.1337

**AGENCY:** U.S. International Trade Commission

**ACTION:** Notice

**SUMMARY:** Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on April 29, 2019, under section 337 of the Tariff Act of 1930, as amended, on behalf of LG Chem, Ltd. of South Korea and LG Chem Michigan, Inc. of Holland, Michigan. Supplements were filed on May 13, and 15, 2019. The complaint, as supplemented, alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain lithium ion batteries, battery cells, battery modules, battery packs, components thereof, and processes therefor by reason of the misappropriation of trade secrets, the threat or effect of which is to destroy or substantially injure an industry in the United States.

The complainant requests that the Commission institute an investigation and, after the investigation, issue a limited exclusion order and cease and desist orders.

**ADDRESSES:** The complaint, except for any confidential information contained therein, is available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, S.W., Room 112, Washington, D.C. 20436, telephone (202) 205-2000. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at (202) 205-2000. General information concerning the Commission may also be obtained by accessing its internet server at <https://www.usitc.gov>. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <https://edis.usitc.gov>.

**FOR FURTHER INFORMATION CONTACT:** Pathenia M. Proctor, The Office of Unfair Import Investigations, U.S. International Trade Commission, telephone (202) 205-2560.

**SUPPLEMENTARY INFORMATION:**

**AUTHORITY:** The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 C.F.R. 210.10 (2019).

**SCOPE OF INVESTIGATION:** Having considered the complaint, the U.S. International Trade Commission, on May 28, 2019, **ORDERED THAT** –

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(A) of section 337 in the importation into the United States or the sale within the United States after importation of certain products identified in paragraph (2) by reason of the misappropriation of trade secrets, the threat or effect of which is to substantially injure an industry in the United States;

(2) Pursuant to section 210.10(b)(1) of the Commission's Rules of Practice and Procedure, 19 C.F.R. 210.10(b)(1), the plain language description of the accused products or category of accused products, which defines the scope of the investigation, is "lithium-ion batteries, battery cells, battery modules, battery packs, components thereof, and processes therefor";

(3) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainants are:

LG Chem, Ltd.  
128 Yeoui-daero, Yeongdeungpo-gu  
Seoul 07336  
Republic of Korea

LG Chem Michigan, Inc.  
1 LG Way  
Holland, MI 49423

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

SK Innovation Co., Ltd.  
26 Jong-Ro, Jongno-Gu  
Seoul 03188  
Republic of Korea

SK Battery America, Inc.  
201 17<sup>th</sup> Street NW, Suite 1700  
Atlanta, GA 30363

(c) The Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street, S.W., Suite 401, Washington, D.C. 20436; and

(4) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 C.F.R. 210.13. Pursuant to 19 C.F.R. 201.16(e) and 210.13(a), such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

A handwritten signature in black ink, appearing to read 'Lisa R. Barton', with a stylized flourish at the end.

Lisa R. Barton  
Secretary to the Commission

Issued: May 29, 2019

**UNITED STATES INTERNATIONAL TRADE COMMISSION  
Washington, D.C.**

**In the Matter of**

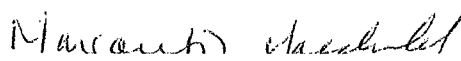
**CERTAIN LITHIUM ION BATTERIES,  
BATTERY CELLS, BATTERY MODULES,  
BATTERY PACKS, COMPONENTS  
THEREOF, AND PROCESSES THEREFOR**

**Inv. No. 337-TA-1159**

**DESIGNATION OF OUII ATTORNEY  
FOR SERVICE OF PROCESS**

The Office of Unfair Import Investigations ("OUII") hereby designates Claire Comfort, Esq. (202) 205-2160, Claire.Comfort@usitc.gov, as OUII's lead attorney for service of process. It is requested that all documents served by the Commission or filed by the parties in the above-referenced investigation be served upon this attorney.

Respectfully submitted,



Margaret Macdonald, Director  
**OFFICE OF UNFAIR IMPORT INVESTIGATIONS**  
U.S. International Trade Commission  
500 E Street, S.W., Suite 401  
Washington, D.C. 20436  
(202) 205-2560  
(202) 205-2158 (facsimile)

May 29, 2019

**CERTAIN LITHIUM ION BATTERIES, BATTERY CELLS,  
BATTERY MODULES, BATTERY PACKS, COMPONENTS  
THEREOF, AND PRODUCTION AND TESTING SYSTEMS  
AND PROCESSES THEREFOR**

**Inv. No. 337-TA-1159**

**PUBLIC CERTIFICATE OF SERVICE**

I, Lisa R. Barton, hereby certify that the attached **NOTICE OF INSTITUTION OF INVESTIGATION** has been served by hand upon the Commission Investigative Attorney, **Claire Comfort**, and the following parties as indicated, on 5/29/2019.



Lisa R. Barton, Secretary  
U.S. International Trade Commission  
500 E Street, SW, Room 112  
Washington, DC 20436

**Complainants:**

LG Chem, Ltd.  
128 Yeoui-daero, Yeongdeungpo-gu  
Seoul 07336  
South Korea

- ☐ Via Hand Delivery  
☒ Via Express Delivery  
☐ Via First Class Mail  
☐ Other: \_\_\_\_\_

LG Chem Michigan, Inc.  
1 LG Way  
Holland, MI 49423

- ☐ Via Hand Delivery  
☒ Via Express Delivery  
☐ Via First Class Mail  
☐ Other: \_\_\_\_\_

**On Behalf of Complainants:**

Mark L. Hogge, Esq.  
**DENTONS US LLP**  
1900 K Street, NW  
Washington, DC 20006

- ☐ Via Hand Delivery  
☒ Via Express Delivery  
☐ Via First Class Mail  
☐ Other: \_\_\_\_\_

**Respondents:**

SK Innovation co., Ltd.  
26 Jong-Ro, Jongno-Gu  
Seoul 03188  
South Korea

- ☐ Via Hand Delivery  
☒ Via Express Delivery  
☐ Via First Class Mail  
☐ Other: \_\_\_\_\_

**CERTAIN LITHIUM ION BATTERIES, BATTERY CELLS,  
BATTERY MODULES, BATTERY PACKS, COMPONENTS  
THEREOF, AND PRODUCTION AND TESTING SYSTEMS  
AND PROCESSES THEREFOR**

**Inv. No. 337-TA-1159**

Certificate of Service – Page 2

SK Battery America, Inc.  
201 17<sup>th</sup> Street NW, Suite 1700  
Atlanta, GA 30363

- ☐ Via Hand Delivery  
☒ Via Express Delivery  
☐ Via First Class Mail  
☐ Other: \_\_\_\_\_

**Embassy:**

Embassy of Korea  
2450 Massachusetts Avenue  
NW Washington, DC 20008

- ☐ Via Hand Delivery  
☒ Via Express Delivery  
☐ Via First Class Mail  
☐ Other: \_\_\_\_\_

**Government Agencies:**

Edward T. Hand, Chief  
Foreign Commerce Section  
Antitrust Division  
U.S. Department of Justice  
450 5<sup>th</sup> Street NW, Room 11000  
Washington, DC 20530

- ☐ Via Hand Delivery  
☐ Via Express Delivery  
☒ Via First Class Mail  
☐ Other: \_\_\_\_\_

U.S. Bureau of Customs and Border Protection  
Intellectual Property Rights Branch  
Mint Annex Building  
799 9<sup>th</sup> Street, NW, 7<sup>th</sup> floor  
Washington, DC 20229-1177

- ☐ Via Hand Delivery  
☐ Via Express Delivery  
☒ Via First Class Mail  
☐ Other: \_\_\_\_\_

Elizabeth Kraus, Deputy Director  
International Antitrust, Office of  
International Affairs  
Federal Trade Commission  
600 Pennsylvania Avenue, Room 498  
Washington, DC 20580

- ☐ Via Hand Delivery  
☐ Via Express Delivery  
☒ Via First Class Mail  
☐ Other: \_\_\_\_\_

Dale D. Berkley, Ph.D., J.D.  
Office of the General Counsel, PHD, NIH Branch  
National Institutes of Health  
31 Center Drive  
Bldg. 31, Rm. 47  
Bethesda, MD 20892

- ☐ Via Hand Delivery  
☐ Via Express Delivery  
☒ Via First Class Mail  
☐ Other: \_\_\_\_\_



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UNITED STATES INTERNATIONAL TRADE COMMISSION

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WASHINGTON, DC 20436

May 29, 2019

LG Chem Michigan, Inc.  
1 LG Way  
Holland, MI 49423

**Re: Certain Lithium Ion Batteries, Battery Cells, Battery Modules, Battery Packs, Components Thereof, and Production and Testing Systems and Processes Therefor**  
**Inv. No. 337-TA-1159**

Dear Sir/Madam:

This letter is to advise you that the U.S. International Trade Commission has instituted an investigation pursuant to section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). A copy of the Commission's notice of investigation is enclosed. Also enclosed is the Section 337 Mediation Program brochure. After reviewing the brochure, please sign and return the enclosed certification of receipt.

Sincerely,

A handwritten signature in black ink, appearing to read "Lisa R. Barton", is written over a horizontal line.

Lisa R. Barton  
Secretary

Enclosures:

1. Notice of Investigation
2. Publication Regarding the Section 337 Mediation Program
3. Certification of Receipt of Mediation Materials





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UNITED STATES INTERNATIONAL TRADE COMMISSION

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WASHINGTON, DC 20436

May 29, 2019

LG Chem, Ltd.  
128 Yeoui-Daero Yeongdeungpo-gu  
Seoul 07336  
South Korea

**Re: Certain Lithium Ion Batteries, Battery Cells, Battery Modules, Battery Packs, Components Thereof, and Production and Testing Systems and Processes Therefor**  
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UNITED STATES INTERNATIONAL TRADE COMMISSION

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WASHINGTON, DC 20436

May 29, 2019

Mark L. Hogge, Esq.  
Dentons US LLP  
1900 K. St, NW  
Washington, DC 20006

**Re: Certain Lithium Ion Batteries, Battery Cells, Battery Modules, Battery Packs, Components Thereof, and Production and Testing Systems and Processes Therefor  
Inv. No. 337-TA-1159**

Dear Mr. Hogge:

This letter is to advise you that the U.S. International Trade Commission has instituted an investigation pursuant to section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). A copy of the Commission's notice of investigation is enclosed. Also enclosed is the Section 337 Mediation Program brochure. After reviewing the brochure, please sign and return the enclosed certification of receipt.

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Secretary

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3. Certification of Receipt of Mediation Materials



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UNITED STATES INTERNATIONAL TRADE COMMISSION

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WASHINGTON, DC 20436

May 29, 2019

SK Innovation Co. Ltd.  
26 Jong-Ro, Jongno-Gu  
Seoul 03188  
South Korea

**Re: Certain Lithium Ion Batteries, Battery Cells, Battery Modules, Battery Packs, Components Thereof, and Production and Testing Systems and Processes Therefor  
Inv. No. 337-TA-1159**

Dear Sir/Madam:

This letter is to advise you that the United States International Trade Commission has instituted an investigation pursuant to Section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). **SK Innovation Co. Ltd.** is a named respondent in this investigation.

We are hereby serving you with a copy of the Complaint and the Notice of Investigation issued in this matter. Enclosed is a copy of the Code of Federal Regulations. Also enclosed is a the Section 337 Mediation Program brochure. After reviewing this brochure, please sign and return the enclosed certification of receipt.

Please note that the Notice requires a response to the allegations in the Complaint and the response must be received not later than twenty (20) days after the date of service of the Complaint. Failure to file a response may result in inferences being drawn against your interests.

Sincerely,

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Lisa R. Barton  
Secretary

Enclosures:

1. Complaint
2. Notice of Investigation
3. Code of Federal Regulation
4. Publication Regarding the Section 337 Mediation Program
5. Certification of Receipt of Mediation Materials



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UNITED STATES INTERNATIONAL TRADE COMMISSION

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WASHINGTON, DC 20436

May 29, 2019

SK Battery America, Inc.  
201 17th Street NW Suite 1700  
Atlanta, GA 30363

**Re: Certain Lithium Ion Batteries, Battery Cells, Battery Modules, Battery Packs,  
Components Thereof, and Production and Testing Systems and Processes Therefor  
Inv. No. 337-TA-1159**

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Lisa R. Barton  
Secretary

Enclosures:

1. Complaint
2. Notice of Investigation
3. Code of Federal Regulation
4. Publication Regarding the Section 337 Mediation Program
5. Certification of Receipt of Mediation Materials



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UNITED STATES INTERNATIONAL TRADE COMMISSION

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WASHINGTON, DC 20436

May 29, 2019

Elizabeth Kraus, Deputy Director  
International Antitrust, Office of  
International Affairs  
Federal Trade Commission  
600 Pennsylvania Avenue, Room 498  
Washington, DC 20580

**Re: Certain Lithium Ion Batteries, Battery Cells, Battery Modules, Battery  
Packs, Components Thereof, and Production and Testing Systems and  
Processes Therefor  
Inv. No. 337-TA-1159**

Dear Ms. Kraus:

This letter is to advise you that the United States International Trade Commission has instituted an investigation pursuant to Section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). A copy of the Notice of Investigation is enclosed. Non-confidential copies of the Complaint and any supplements filed in the investigation will be provided upon request. Requests should be directed to Docket Services at (202) 205-1802.

If you have any questions concerning this investigation, please contact the Commission Investigative Attorney whose name and telephone number appear in the enclosed Notice.

Sincerely,

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Lisa R. Barton  
Secretary

Enclosure:

1. Notice of Investigation



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UNITED STATES INTERNATIONAL TRADE COMMISSION

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WASHINGTON, DC 20436

May 29, 2019

Edward T. Hand, Chief  
Foreign Commerce Section  
Antitrust Division  
U.S. Dept of Justice  
450 5th Street NW, Room 11000  
Washington, DC 20530

**Re: Certain Lithium Ion Batteries, Battery Cells, Battery Modules, Battery Packs, Components Thereof, and Production and Testing Systems and Processes Therefor**  
**Inv. No. 337-TA-1159**

Dear Mr. Hand:

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If you have any questions concerning this investigation, please contact the Commission Investigative Attorney whose name and telephone number appear in the enclosed Notice.

Sincerely,

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Lisa R. Barton  
Secretary

Enclosure:

1. Notice of Investigation



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UNITED STATES INTERNATIONAL TRADE COMMISSION

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WASHINGTON, DC 20436

May 29, 2019

Dale D. Berkley, Ph.D., J.D.  
Office of the General Counsel, PHD, NIH Branch  
National Institutes of Health  
31 Center Drive  
Bldg. 31, Rm. 47  
Bethesda, MD 20892

**Re: Certain Lithium Ion Batteries, Battery Cells, Battery Modules, Battery Packs, Components Thereof, and Production and Testing Systems and Processes Therefor**  
**Inv. No. 337-TA-1159**

Dear Mr. Berkley:

This letter is to advise you that the United States International Trade Commission has instituted an investigation pursuant to Section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). A copy of the Notice of Investigation is enclosed. Non-confidential copies of the Complaint and any supplements filed in the investigation will be provided upon request. Requests should be directed to Docket Services at (202) 205-1802.

If you have any questions concerning this investigation, please contact the Commission Investigative Attorney whose name and telephone number appear in the enclosed Notice.

Sincerely,

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Lisa R. Barton  
Secretary

Enclosure:

1. Notice of Investigation



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UNITED STATES INTERNATIONAL TRADE COMMISSION

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WASHINGTON, DC 20436

May 29, 2019

Intellectual Property Rights Branch  
Regulations and Rulings  
Office of International Trade  
U.S. Customs and Border Protection  
90 K Street, NE, 10th floor  
Washington, DC 20229-1177

**Re: Certain Lithium Ion Batteries, Battery Cells, Battery Modules, Battery  
Packs, Components Thereof, and Production and Testing Systems and  
Processes Therefor  
Inv. No. 337-TA-1159**

Dear Sir/Madam:

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If you have any questions concerning this investigation, please contact the Commission Investigative Attorney whose name and telephone number appear in the enclosed Notice.

Sincerely,

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Lisa R. Barton  
Secretary

Enclosure:

1. Notice of Investigation





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UNITED STATES INTERNATIONAL TRADE COMMISSION

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WASHINGTON, DC 20436

May 29, 2019

Embassy of the Republic of Korea  
2450 Massachusetts Ave NW  
Washington, DC 20008

**Re: Certain Lithium Ion Batteries, Battery Cells, Battery Modules, Battery Packs, Components Thereof, and Production and Testing Systems and Processes Therefor**  
**Inv. No. 337-TA-1159**

Dear Sir/Madam:

This letter is to advise you that the United States International Trade Commission has instituted an investigation pursuant to Section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). One or more of the parties named in the investigation is located in .

Pursuant to Commission Rule 210.11(a) (3), we are hereby serving you with a copy of the Complaint filed in this investigation together with a copy of the Commission's Notice of Investigation.

Sincerely,

A handwritten signature in black ink, appearing to read "Lisa R. Barton".

Lisa R. Barton  
Secretary

Enclosures:

1. Complaint
2. Notice of Investigation